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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,719	01/30/2001	Timothy W. Rawlings	8846.00	9476

29994 7590 05/22/2003
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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/22/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/771,719

Applicant(s)
Rawlings et al.

Examiner
Nasser Ahmad

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1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 11, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above, claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47-54 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 19-28, 30, 31, 33, 34, 36, 39-41, and 45 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 29, 32, 35, 37, 38, 42-44, and 46 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10 6) ☐ Other:

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11, 2003 has been entered.
2. The substitute specification filed on March 11, 2003 has been entered with applicant's acknowledgement that no new matter has been added thereto.
3. Applicants' letter filed on March 11, 2003 correctly identifying the inventor's name as "Mitchell" is acknowledged. However, as informed in the Office Action (paper no. 3, paragraph – 6) of June 18, 2002, the oath is still deemed to be defective because it cannot be corrected as such and that a new declaration in compliance with 37 CFR 1.67 (a) is required. See MPEP § 602.01 and 602.02.
4. Newly submitted claims 17 and 18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: These new claims are directed to method claims and dependent from claim 11 which was restricted in paper no. 3; Office Action of June 18, 2002 for reasons of record stated therein. Further, newly submitted product claims 19-54 will be examined with the pending claims 1-10 as being directed to the product label sheet.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-18 along with claims 11-16 are

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withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

5. Applicant's arguments with respect to claims 1-10 and newly submitted claims 19-54 have been considered but are moot in view of the new ground(s) of rejection.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

7. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5, 8-10, 19-28, 30-31, 33-34, 36, 39-41 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox (6,754,952).

Fox relates to a label sheet which comprises a face sheet, a release liner and an adhesive layer bonding the face sheet to the release liner (abstract). The sheet has two printable sides and at least one removably adhered label (40) defining an area on the sheet surface. The label is tied to another area (28 or 30) of the same surface of the sheet using a tie (38 or 44 in figure – 5). If the label is taken to numeral (40) in figure – 5, then it would have at least one tie (44) at the leading edge and at least on tie (38) at the trailing edge. The edges are defined by the direction of travel of the label sheet. Also, figure – 5 shows that the plurality of ties are evenly spaced and the label is defined by die cut around the perimeter, except at the tie portions. The label sheet comprises multiple labels (40, 30) with at least one tie to one another. The adhesive

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composition would exhibit softening at temperature during printing because it uses similar printers from the same manufacturers.

The intended use phrases such as "for duplex printing" etc. have not been given patentable weight as said phrases are not deemed to be positive limitations.

Contrary to applicant's allegation about the release liner not being printable (see amendment B filed March 11, 2003). Please note that Fox uses any conventional release liner material and not the specialized clay-coated type of material as submitted by the applicant as exhibit A-C. It is well known and conventional in the label art to print release liner with logos, instructions, etc.

9. Claims 6-7, 29, 32, 35, 37-38, 42-44 and 46-54 are free of the prior art uncovered so far in that the prior art fails to teach two face sheets and two adhesive layers, one on each side of a release liner (claim 6); that a face sheet has multiple labels and each label has a leading-edge tie and a trailing-edge tie (claims 29, 32, 35, 37-38, 42-44 and 46); and that a face sheet has more than three labels with each label having at least two ties of less than 1mm length (claims 47-54).

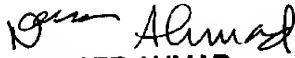
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 703-308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


NASSER AHMAD
PRIMARY EXAMINER

N Ahmad/mn
May 22, 2003